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February 27, 2023

**VIA EMAIL**

Krista Friedrich  
New York City Law Department  
100 Church Street  
New York, NY 10007

**Re: City of New York v. Old Dominion Tobacco Company, Inc. 20 Civ 5965 (ENV-RER)**

Dear Krista:

We are still reviewing the logs and production you provided a little over a week ago. We expect to have substantive questions and comments when we have had the chance to review it fully. In the interest of efficiency, however, we wanted to raise a couple of the questions we have thus far about the logs themselves. Please let us know the answers to the below.

We have compared the recently produced privilege and redaction logs with their predecessors. A number of the documents identified in your first redaction log,<sup>1</sup> specifically

- NYC\_0008467
- NYC\_0008543
- NYC\_0008496
- NYC\_0009358
- NYC\_0009664
- NYC\_0009666
- NYC\_0008518
- NYC\_0009360
- NYC\_0008578
- NYC\_0009199
- NYC\_0009583
- NYC\_0009388
- NYC\_0009496
- NYC\_0009165
- NYC\_0009549
- NYC\_0008558
- NYC\_0009854

do not appear to be included in the new redaction log.<sup>2</sup> Please confirm that these are no longer being redacted and are being produced in full.

<sup>1</sup> The first redaction log listed 90 different documents redacted on the basis of privilege.

<sup>2</sup> The new redaction log lists 77 different documents redacted on the basis of privilege.

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In addition, the new redaction log lists

- NYC\_0009585
- NYC\_0009588
- NYC\_0009847
- NYC\_0008677

which do not appear to have previously been identified in the first redaction log. The descriptions, however, do seem to correlate with entries 1, 2, 5, and 9 from the first privilege log.<sup>3</sup> Please confirm whether these are the same documents.

In addition to entries 1, 2, 5, and 9, the new privilege log<sup>4</sup> also appears to omit the documents that were entries

- |      |      |       |
|------|------|-------|
| • 18 | • 40 | • 58  |
| • 20 | • 47 | • 59  |
| • 22 | • 48 | • 110 |
| • 23 | • 49 | • 111 |
| • 29 | • 50 | • 112 |
| • 31 | • 51 | • 113 |
| • 32 | • 52 | • 114 |
| • 33 | • 53 | • 115 |
| • 34 | • 54 | • 116 |
| • 37 | • 55 | • 128 |
| • 38 | • 56 | • 233 |
| • 39 | • 57 |       |

in the first privilege log. Please confirm that these documents have now been produced in full.

Finally, it appears that there may have been an error in populating the date for a number of documents in the privilege log. Each time an attachment to an email is identified for withholding, the date assigned to it is identical – including the hour and minute – to the email to which it was attached. Please let us know when we can expect an updated version of the log with the dates for these documents, rather than the correspondence to which they were attached.

We look forward to speaking about our client's software later today. Please let us know when you will be available later this week to meet and confer on the other issues as directed by the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Avi Schick".

Avi Schick

<sup>3</sup> The first privilege log listed 234 different documents withheld on the basis of privilege.

<sup>4</sup> The new privilege log lists 195 different documents withheld on the basis of privilege.